

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

JANUARY 3, 2011

7:00 P.M.

• **Election of Mayor, Deputy Mayor**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. December 20, 2010

3. COMMUNICATIONS

4. REPORTS

a. Pine Tree Landfill – Complaint Report – November 2010

b. Finance Committee Minutes – 12/20/2010

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

a. Adoption of Ordinance Enacting a Moratorium on Medical Marijuana Dispensaries and Sites of Marijuana Cultivation

b. Proposed Zoning Ordinance Text Amendment re Day Care Provisions – Article 3.9 Rural District and Article 4.19 Day Care Provisions

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

3. UNFINISHED BUSINESS

a. 2011 Council Committee Appointments

4. NEW BUSINESS

a. Kiwanis Club of Hampden – Games of Chance License Authorization

NOTE: The Council will take a 5-minute recess at 8:00 pm.

- b. Application for Renewal of Liquor License Received from Wang & Lo, Inc. d/b/a Fresh Ginger Restaurant, 64 Main Road North

- D. COMMITTEE REPORTS
- E. MANAGER'S REPORT
- F. COUNCILORS' COMMENTS
- G. ADJOURNMENT

TOWN COUNCIL MINUTES**December 20, 2010**

The regularly scheduled meeting of the Hampden Town Council was held on Monday, December 20, 2010 at the municipal building council chambers and was called to order by Mayor Arnett at 7:00 p.m.

Attendance: Councilors: Mayor Matthew Arnett; Andre Cushing, William Shakespeare, Jean Lawlis, Janet Hughes and Kristen Hornbrook; Thomas Brann was excused

Town Manager: Susan Lessard

Town Counsel: Attorney Russell was absent

Department Heads/Staff: None

Citizens

A. CONSENT AGENDA

Motion by Councilor Cushing, seconded by Councilor Shakespeare to accept the Consent Agenda – unanimous vote in favor.

Motion by Councilor Shakespeare, seconded by Councilor Hughes to excuse Councilor Brann – unanimous vote in favor.

B. PUBLIC COMMENTS

Sally Leete of 344 Main Road North had some comments and questions about the ordinances regarding medical marijuana facilities. She commented that she would not be in favor of any such facility being located in Hampden. She was advised that there would be public hearings for both the moratorium ordinance and the zoning ordinance amendments and that the public would be invited to make comments at that time.

C. POLICY AGENDA**1. PUBLIC HEARINGS**

There were none.

2. NOMINATIONS-APPOINTMENTS-ELECTIONS**a. PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATIONS FOR APPOINTMENT:**

1. LESLIE MUSERO – NEW APPOINTMENT – PLANNING BOARD

2. J. KELLEY WILTBANK – NEW APPOINTMENT – PLANNING BOARD

Councilor Lawlis reported that the Planning & Development Committee interviewed both applicants and is recommending appointment of both. She moved to appoint Leslie Mushero and J. Kelley Wiltbank as Associate Members of the Planning Board; motion seconded by Councilor Shakespeare and vote was unanimously in favor.

b. REAPPOINTMENT OF DENISE HODSDON AS REGISTRAR OF VOTERS

Motion by Councilor Shakespeare, seconded by Councilor Cushing to reappoint Denise Hodsdon as Registrar of Voters – unanimous vote in favor.

3. UNFINISHED BUSINESS

a. MEDICAL MARIJUANA MORATORIUM ORDINANCE – INTRODUCTION FOR PUBLIC HEARING

Councilor Hughes explained that the previous 180-day moratorium expired on December 4th and the new moratorium would be for another 120 days retroactive to December 4, 2010. Councilor Hughes introduced the ordinance for public hearing at the next meeting.

b. ZONING ORDINANCE TEXT AMENDMENT re MEDICAL MARIJUANA DISPENSARY – REFERRAL TO PLANNING BOARD

Councilor Hughes referred the proposed amendment to the Planning Board for their review and comment.

c. ZONING ORDINANCE TEXT AMENDMENT re DAY CARE PROVISIONS – INTRODUCTION FOR PUBLIC HEARING

Councilor Hughes explained that the purpose of this amendment is to allow home day care facilities to utilize a separate building common to the lot and she introduced this item for public hearing at the next meeting.

d. ZONING ORDINANCE TEXT AMENDMENT re COMMERCIAL SERVICE DISTRICT (Relative to Proposed Mobile Home Park Ordinance Amendments) – REFERRAL TO PLANNING BOARD

Councilor Hughes referred this item to the Planning Board.

4. NEW BUSINESS

a. LIBRARY CIRCULATION DESK PROJECT

Manager Lessard noted that this item had been discussed by the Finance and Administration Committee earlier in the evening and needed to be added to the agenda for Council action. Motion by Councilor Cushing,

seconded by Councilor Lawlis to add the Library Circulation Desk Project to the agenda under New Business – unanimous vote in favor.

Manager Lessard reported that the Library has received a \$25,000 grant for a new circulation desk area and the restructuring of two other areas within the library. The grant does not include sufficient funds to allow for necessary wiring to replace dated electrical lines and for data lines in the circulation desk area. The Finance and Administration Committee recommends using up to \$5,000 from the Library Reserve account for this purpose.

Councilor Lawlis reported that the Services Committee has discussed the project and recommends accepting the \$25,000 grant. Motion by Councilor Lawlis, seconded by Councilor Shakespeare to accept the grant – unanimous vote in favor.

Motion by Councilor Lawlis, seconded by Councilor Shakespeare to authorize to use of funds from the Library Reserve for the purpose of upgrading the electrical and data line service within the building relative to this project – unanimous vote in favor.

D. COMMITTEE REPORTS

Councilor Shakespeare reminded the Council that there will be no Infrastructure Committee meeting this month.

Councilor Lawlis reported that the Services Committee had a brief meeting on December 15th. There has not been a lot of activity on the part of some of the sub-committees, but they will be meeting again in January. The Committee did go over a list of priorities and she suggested that anyone interested should review the minutes of the previous meeting which include a lot of detail regarding those priorities.

Councilor Hughes noted that several of the Planning & Development Committee agenda items have already been discussed tonight. At the last meeting the Committee focused on discussion of the Comprehensive Plan Implementation Committee and it was decided that the Comp Plan Implementation meetings should be separate from the Planning & Development Committee meetings. It was suggested that they be held on the third Wednesday of each month. Coming up at the end of January is the BEAR program and meetings with those businesses and residents that are located in the Commercial Service District. The next meeting is scheduled for January 5th.

Manager Lessard reported that the Finance Committee signed the Treasurer's Warrants; reviewed the financial statements for November; discussed the Library's circulation desk project and the Council's upcoming strategic planning session scheduled for January 22nd at the White House Best Western Inn.

E. MANAGER'S REPORT

Manager Lessard's report was a summation of the items that the Council worked on in 2010 and she remarked that it was again a busy and productive year. A copy of the report is attached hereto.

Manager Lessard also reported that she was invited to lunch at Pine Tree Landfill today to celebrate that the last construction vehicle left the landfill today. She commented that the landfill is no longer the bone of contention that it was ten years ago as we have worked in a positive productive way to bring closure to the facility.

F. COUNCILOR'S COMMENTS

Councilors Hughes, Hornbrook and Shakespeare wished everyone a Merry Christmas and Happy New Year.

Councilor Cushing reflected on the landfill activities and the positive aspects that have evolved – approximately \$2,500,000 in additional revenue to the community, which has allowed us to do some very positive things. It has also provided a business that was in a somewhat contentious relationship with the Town to see this as an opportunity to maintain a gas-to-energy facility, the only one in the State of Maine. He commented that we are very fortunate to have a manager whose style was to find solutions to problems in a positive way.

Councilor Cushing also reported that the Legislature held a special session last week and he had the privilege of having Tristan and Noah Gardner from Hampden come down and sing the National Anthem. He said they did Hampden proud.

Councilor Lawlis said she is excited about the opportunity to work on the implementation of the Comprehensive Plan and work collectively as a community with some exciting conceptual ideas. She wished everyone a Merry Christmas.

Councilor Arnett reported that the Council hosted a workshop on land use planning related to the Comprehensive Plan and invited Randall Arendt, a nationally known planner, to come make presentations at a luncheon of Hampden Business Association and at the workshop that evening. Mayor Arnett also extended wishes for a wonderful Christmas holiday.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 p.m.



Denise Hodsdon
Town Clerk

TOWN MANAGER'S

ANNUAL REPORT

2010

2010 was once again a busy and productive year. From January through December, the Council has dealt with the following items. While this list is only a few pages long, many items on it required extensive Council Committee work prior to final action and items such as the town budget took many months to complete.

- ☐ Revamped fees for the Library
- ☐ Elected a Mayor and Deputy Mayor and made Committee Assignments
- ☐ Assisted in the selection of a new Town Assessor
- ☐ Amended the Public Ways Ordinance
- ☐ Amended the Zoning Ordinance re: Animal Definitions
- ☐ Appointed a School Board Member to fill a vacancy
- ☐ Revised the Shoreland Zoning Ordinance
- ☐ Adopted a Streetlight Request Policy
- ☐ Amended the Zoning Ordinance regarding Conditional Uses in the Commercial Services District
- ☐ Adopted the Comprehensive Plan after many meetings, hearings, and approval by the State Planning Office
- ☐ Amended the Zoning Ordinance regarding the definition of Institutional Building
- ☐ Made an Arbor Day Proclamation and received Tree City USA status for the 3rd year
- ☐ Participated in the Regional Spring Clean-up Project
- ☐ Granted the Town Manager a new contract
- ☐ Completed the Mayo Road Reconstruction project
- ☐ Sold two lots in the Business Park
- ☐ Accepted a grant for replacement of boilers at the Municipal Building
- ☐ Approved the BEAR program
- ☐ Began discussions of a Dog Park for Hampden
- ☐ Authorized expenditures for capital equipment for Police, Fire, Public Works Departments including a new cruiser purchase, purchase of a replacement loader and truck for public works and a power stretcher for the public safety department
- ☐ Received a grant of \$5,000 from Hannaford for Fire Equipment
- ☐ Paved 8 miles of roadways in Hampden
- ☐ Funded a contribution to the Destination Imagination Team
- ☐ Recognized Brian & Cindy Carlisle and Justin Russell for their contributions to the Library programs

- ☐ Submitted a grant application for sidewalk construction on Western Avenue
- ☐ Amended the Zoning Ordinance regarding Rural District Uses
- ☐ Worked on a Marina land swap with Hamlin Marine
- ☐ Provided testimony for the BAT fare increase proposal from the City of Bangor
- ☐ Approved a Forest Management Plan for Dorothea Dix Park
- ☐ Saw the final closure of the Pine Tree Landfill completed. The last construction vehicle left the property on 12/20/2010.
- ☐ Reviewed and approved a budget for fiscal year 2010/2011 that allowed the mil rate to remain the same as the prior year.
- ☐ Sponsored a workshop with a nationally recognized conservation planner for Hampden Council and Committee members regarding Comprehensive Plan implementation.
- ☐ Adopted a six month moratorium for marijuana cultivation and dispensing activities
- ☐ Added Harmony Hall and the Garden Club to the list of Outside Agency funding considerations
- ☐ Assisted Goodwill Riders Snowmobile Club with roof replacement of the old fire station on outer Western Avenue.
- ☐ Sold two old Fire Trucks once the new truck was received
- ☐ Adopted a PACE Ordinance to allow residents to take advantage of funding available for energy improvements through Efficiency Maine.
- ☐ Collaborated with Winterport and Newburgh in regard to concerns over the re-use of the soon-to-be former Hampden Academy site.
- ☐ Approved granting of wetland mitigation property for the new School project in return for \$50,000 in trail development funding
- ☐ Published four quarterly newsletters
- ☐ Approved an upgrade to digital for Cable television equipment for the Town
- ☐ Hosted a Candidate's forum for all candidates for local offices as well as those for State Offices for Senate District 33 and House District 39
- ☐ Created an Economic Development video featuring the Angler's Restaurant project
- ☐ Accepted Urban/Rural Transportation Improvement Funds from MDOT
- ☐ Adopted a vision statement for Dorothea Dix Park
- ☐ Issued a resolve supporting extension of the Pilot Truck Weight Increase Project
- ☐
- ☐ Adopted updates to the General Assistance Ordinance Appendices
- ☐ Approved four quarters of Sewer Commitments
- ☐ Authorized participation in Landowner Appreciation Day
- ☐ Assisted the Hampden Garden Club with submission of a Historic Preservation Grant
- ☐ Issued a Games of Chance permission letter for the VFW
- ☐ Issued a Games of Chance permission letter for the Kiwanis

- ☐ Granted a Sewer Easement to Gary Mock for location of a private line on Elm Street West
- ☐ Accepted a sewer manhole on the property of Katahdin Trust that will serve both that business and Rite Aid.
- ☐ Introduced Amendments to the Day Care Provisions of the Zoning Ordinance for Public Hearing
- ☐ Approved 20 victualer's licenses for local businesses
- ☐ Approved 5 liquor license applications

Respectfully submitted,
Susan Lessard
Town Manager

December 7, 2010

Susan Lessard
Town Manager
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

**RE: Pine Tree Landfill
Monthly Report of Landfill Complaints**

Dear Susan:

During the Month of November 2010, no complaints were received pertaining to Pine Tree Landfill operations.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 245.

Sincerely,



Tom Gilbert
Environmental Compliance Manager
Pine Tree Landfill

CC: Cyndi Darling, MDEP
Wayne Boyd, Casella Waste Systems, Inc.
Don Meagher, Casella Waste Systems, Inc.
Toni King, Casella Waste Systems, Inc.

PINE TREE LANDFILL

[illegible]

Month Total Complaints: 0

Number of Complaints Confirmed to be Landfill: 0

Number of Complaints Not Confirmed as Originating from landfill or Possibly from Other Sources: 0

Note:

A "Real-time Complaint" is a complaint called in within the first 30 minutes of detecting the odor to allow for proper response.

A "Non-Real-time Complaint" is a complaint called in after 30 minutes or more have passed since first detecting the presence of odor and does not allow for proper response time (the odor may no longer be present).

A "Mobile Complaint" is a complaint called in as detecting odor on a roadway and not at a particular residence.

PINE TREE LANDFILL - SUMMARY OF COMPLAINTS FOR 2010

2010	-OBJECT OF COMPLAINT-							MONTH
MONTH	ODOR	NOISE	LIGHTS	DUST	TRAFFIC	BIRDS	OTHER	TOTAL
JAN.	1	0	0	0	0	0	0	1
FEB.	1	0	0	0	0	0	0	1
MAR.	2	0	0	0	0	0	0	2
APR.	1	0	0	0	0	0	0	1
MAY	0	0	0	0	0	0	0	0
JUN.	1	0	0	0	0	0	0	1
JUL.	1	0	0	0	0	0	0	1
AUG.	0	0	0	0	0	0	0	0
SEP.	0	0	0	0	0	0	0	0
OCT.	0	0	0	0	0	0	0	0
NOV.	0	0	0	0	0	0	0	0
DEC.								
TOTALS	7	0	0	0	0	0	0	7

FINANCE COMMITTEE MEETING MINUTES
December 22, 2010

Attending:

Mayor Matthew Arnett
Councilor William Shakespeare
Councilor Jean Lawlis
Councilor Janet Hughes
Councilor Andre Cushing

Councilor Tom Brann
Councilor Kristen Hornbrook
Town Manager Susan Lessard
Librarian Debbie Lozito

1. Minutes of 12/13/2010 – *The minutes were reviewed. Councilor Cushing made a motion to accept. No errors or omissions were noted.*
2. Review & Sign Warrants – *The warrants were reviewed by Committee members. Councilor Hornbrook asked to receive copies of the warrants as well as Finance Committee members. Motion by Councilor Shakespeare, seconded by Councilor Lawlis to approve the warrants. Vote 3-0.*
3. Financial Statements – *The Town Manager presented the financial statements for all accounts. Motion by Councilor Cushing, seconded by Councilor Lawlis to approve the financial statements as presented. Unanimous vote.*
4. Old Business
 - a. Strategic Planning Session – *The Town Manager reported that she had made arrangements for the use of the Conference Room at the White House Motel on January 22, 2011 from 9 a.m. until 2 p.m. for the purpose of the planning session.*
 - b. H.A. Re-use Article Update – Newsletter – *The Town Manager is writing an article for the upcoming newsletter as an update to the last information provided on the topic. The purpose of this item being on the agenda was to solicit input from Committee members on any items that they specifically wanted to see included. It was the consensus of the Committee that stressing the need for an expeditious handling of this matter was in the best interest of all parties.*
5. New Business
 - a. Library Circulation Desk Project – *The Librarian presented information regarding a grant received for a new circulation desk. The project involves the restructuring of three separate spaces in the library, including the filling of the swimming pool that is under the current conference room in order to allow it to be used for book storage as part of the Children's area. The request to the Finance Committee was for the use of up to \$5,000 for necessary electrical work to accommodate the project. The Services Committee had recommended approval of the request as well as approval of accepting the grant for the*

overall project. Motion by Councilor Shakespeare, seconded by Councilor Lawlis to recommend to the full Council that the Library be able to use up to \$5,000 from Library Reserve for the purpose of upgrading the wiring associate with the project. Unanimous vote.

6. Public Comments - None

7. Committee Member Comments

Councilor Brann indicated that he and the Economic and Community Development Director had discussed the possibility of utilizing the consultants from the BEAR program for up to 100 additional hours for assistance with the review of our ordinances for consistency with the Comprehensive Plan. It was the consensus of the Committee to have the Town Manager ask the Economic Development director to submit a written proposal for this activity.

The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

*Susan Lessard
Town Manager*

Ordinance, Enacting a Moratorium on Medical Marijuana Dispensaries and Sites of Marijuana Cultivation

WHEREAS, a referendum was passed by the Maine voters liberalizing the laws relating to Marijuana Dispensaries; and

WHEREAS, the State of Maine Department of Health and Human Services adopted emergency Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), effective May 5, 2010; and

WHEREAS, the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services, has issued a Request for Applications for non-profit corporations to become dispensaries for growing and dispensing marijuana to registered patients under the Maine Medical Use of Marijuana Act (Title 22 M.R.S. §§2421-2430-A); and

WHEREAS, the potential location of Marijuana Dispensaries and Sites of Marijuana Cultivation in the Town of Hampden raises legitimate and substantial questions and concerns about the impact of such facilities on the Town of Hampden, including questions of the adequacy of streets for additional traffic; the compatibility of Marijuana Dispensaries and Sites of Marijuana Cultivation within existing residential and commercial zones; the potential adverse health and safety effects of the Marijuana Dispensaries and Sites of Marijuana Cultivation on the community; the possibility of illicit sale and use of illegal drugs, misuse of prescribed marijuana, associated criminal activity, and drug related deaths; and the increased burden on the Hampden Police Department; and

WHEREAS, marijuana is illegal to possess under federal law; and

WHEREAS, the State of Maine allows the possession of certain amounts of marijuana, and

WHEREAS, the current Hampden Zoning Ordinance and Comprehensive Plan do not adequately address the concerns listed above; and

WHEREAS, the possible effects of the location of Marijuana Dispensaries and Sites of Marijuana Cultivation has implications for the health, safety and welfare of the Town of Hampden and its citizens; such implications include, but are not limited to, the location of such Marijuana Dispensaries and Sites of Marijuana Cultivation proximate to schools, residential areas, and public ways; and

WHEREAS, the Town of Hampden needs a reasonable amount of time to study the Zoning Ordinance and Comprehensive Plan to determine the implications of future proposed Marijuana Dispensaries and Sites of Marijuana Cultivation and to develop reasonable regulations governing the location and operations of such treatment facilities; and

WHEREAS, the Town of Hampden, under its home rule authority and its police power, has the authority to impose reasonable restrictions, conditions, and limitations on such a facility; and

WHEREAS, the Council members for the Town of Hampden, through the advice of the Hampden Planning Board and staff, shall study the Hampden Zoning Ordinance to determine the land use implications of Marijuana Dispensaries and Sites of Marijuana Cultivation and consider what locations and conditions of approval might be appropriate for such facilities and such cultivation; and

12/20/2010: Introduced for public hearing on 1/3/2010

WHEREAS, the existing Comprehensive Plan, Zoning Ordinance, and other applicable laws and regulations, if any, are not adequate to prevent serious public harm by the development of Marijuana Dispensaries and Sites of Marijuana Cultivation in the Town of Hampden; and

WHEREAS, the Town of Hampden has developed proposed amendments to its Zoning Ordinance to address the foregoing matters, but its Moratorium on Marijuana Dispensaries and Sites of Marijuana Cultivation enacted on June 21, 2010 expired prior to the full consideration of the proposed amendments by the Planning Board and the Town Council, and before the adoption of the final amendments to the Ordinance by the Town Council; and

WHEREAS, the Moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of Marijuana Dispensaries and Sites of Marijuana Cultivation being located in the Town of Hampden and to permit the Town adequate time to review and adopt the proposed amendments to its Zoning Ordinance; and

WHEREAS, it is anticipated that review, development and adoption of proposed amendments to the Zoning Ordinance will take another one hundred twenty (120) days;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAMPDEN THAT THE FOLLOWING ORDINANCE ENACTING A MORATORIUM ON MARIJUANA DISPENSARIES AND SITES OF MARIJUANA CULTIVATION BE ENACTED:

1. Applicability and Purpose: This moratorium shall apply to Marijuana Dispensaries and Sites of Marijuana Cultivation, as defined below, that may be proposed to be located within the Town of Hampden.
2. Prohibition: During the time this Ordinance is applicable, no officer, official, employee, office, board, or agency of the Town of Hampden shall accept, process, approve, deny, or in any other way act upon any application for a building permit, certificate of occupancy, site plan review, conditional use plan review and/or any other permits or approvals related to such use. No person or organization shall develop or operate Marijuana Dispensaries or Sites of Marijuana Cultivation within the Town of Hampden on or after December 4, 2010.
3. Enforcement, violation, and penalties: If Marijuana Dispensaries or Sites Marijuana Cultivation is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate offense for this purpose. The Town shall be entitled to all rights available to it in law and equity, including its reasonable attorney fees and costs in prosecuting any violations.
4. Definitions: As used in this Ordinance, the following terms have the following meanings:
 - a. "Marijuana" shall have the definition set forth in Title 17-A M.R.S.A. Section 1101 (1) and 10-144 CMR Chapter 122, Section 1.15.
 - b. "Marijuana Dispensaries" means one or more marijuana dispensary, facility or location, whether fixed or mobile, where marijuana is made available to or distributed to any person or entity authorized to receive it under Maine Law.

- c. "Sites of Marijuana Cultivation" means one or more sites at which marijuana may be cultivated for the specific purpose of making marijuana available to or distributed to any person or entity authorized to receive it under Maine Law.
- 5. Date: This Ordinance shall apply retroactively to December 4, 2010 and shall remain in effect for a period of one hundred twenty (120) days after said date, unless extended, repealed, or modified by the Hampden Town Council.
- 6. Pending proceedings: Notwithstanding the provisions of Title 1 M.R.S. § 302, this Ordinance shall apply to any proposal to establish Marijuana Dispensaries or Sites of Marijuana Cultivation, whether or not an application or proceeding to establish said uses would be deemed a pending proceeding under Title 1 M.R.S. § 302.
- 7. Action by the Town Council and Planning Board: During the applicable period of this Ordinance, the Planning Board and staff shall expeditiously act to review the implications of such Marijuana Dispensaries and Sites of Marijuana Cultivation on, among other things, the health, safety, welfare, traffic, law enforcement, land use, aesthetic, property value, and environmental impacts on the Town of Hampden and its citizens. During the Moratorium, the Town will hold at least one public hearing and receive input from interested parties.
- 8. Severability: Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment: Day Care Provisions
DATE: October 14, 2010

At the October 13, 2010 Planning Board Meeting the Board voted unanimously to return this item to the Council with an "ought-to-pass" recommendation with two friendly amendments to 4.19.3. Performance Standards. Item 7 was amended to add punctuation and to add the phrase "operating the facilities":

7. Day Care Facility. Notwithstanding the definition of Day Care Facility, when located in a commercial or industrial district this use is not required to be operated within a dwelling or by a person residing on the premises. Notwithstanding the definition of Day Care Facility, when located in a Rural District this use may be operated within a separate building on a lot common to a dwelling in which a person or persons *operating the facilities* reside.

Item 8 was amended to require written comment from Hampden Public Safety to identify any child safety issues. This might include but not be limited to known sex offenders in the immediate area.

8. *As part of the review process written comment shall be obtained from Hampden Public Safety to identify any child safety issues.*

12/20/2010: Introduced for Public Hearing on 1/3/2011

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 3
REGULATIONS PERTAINING TO INDIVIDUAL ZONES

3.9. Rural District

3.9.1. Purpose - The intent of this district is to protect and promote the rural use and character of the area, to provide for traditional agricultural and open space uses, and to provide for low density residential development where appropriate. It is intended that much of the residential development occurring in this district will be either dispersed in nature or, where the developer chooses, will be clustered with extensive open space surrounding the development. *(Amended: 12-18-95)*

3.9.2. Permitted Uses (Subject to Site Plan Review where applicable) - Agriculture, forestry, single family dwelling, certified manufactured home, two family dwelling, three or four family dwelling when serviced by public sewer and water, home day care (subject to *Section 4.19*), accessory use, golf course or other outdoor recreational facilities, home occupation (subject to *Article 4.10*), cluster subdivisions, essential service, and wireless telecommunications facilities (subject to *Section 4.22*). *(Amended: 9-19-83, 8-22-94, 12-18-95, 10-01-01, 6-3-02, 03-21-05)*

3.9.3. Conditional Uses (Subject to Site Plan Review) - Daycare facility, child care center (subject to *Section 4.19*), nursing home, non-profit school, public schools, church, non-profit club, hospital or clinic, mobile home park (subject to *Section 4.13*), campground, cemetery, buildings and parking for recreational facilities, processing agricultural products which are not accessory to an agricultural use, processing and excavation, gravel pit and quarry activities (subject to *Article 4.23 Excavations, Gravel Pits and Quarries*), stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities, commercial nursery, indoor recreational facilities, boarding of animals; to include training and grooming, veterinary hospital, buildings necessary for essential services, community facility (including solid waste facility), Customary Rural Business (subject to *Section 4.20*). *(Amended: 8-22-94, 12/18/95, 12-2-96, 1-21-97, 03-21-05, 12-17-07)*

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

4.19. Day Care Provisions

4.19.1. Purpose - In order to provide suitable day care opportunities in all areas of Hampden without adversely impacting the peaceful enjoyment of residential neighborhoods, day care facilities of all types which provide for the supervision and care of children under the age of sixteen shall comply with the following provisions.

4.19.2. Day Care Types:

1. Home Day Care
2. Day Care Facility
3. Child Care Center

4.19.3. Performance Standards

1. Density: ~~Home Day Care and Day Care Facilities~~ shall not exceed a density of 12 children per acre.
2. Outside Outdoor Play Area: Outside play areas proposed as part of Home Day Care, and Day Care Facility Facilities or Child Care Center which provide outside play areas, such play areas shall be fenced and no closer than 25 feet to any adjacent property lines.
3. Hours of Operation: Home Day Care and Day Care Facilities located in the Residential A, Residential B or Rural Districts shall not operate between the hours of 6:00 pm and 6:00 am.
4. Parking: Home Day Care, and Day Care Facilities and Child Care Centers shall provide one off-street parking space per four (4) children plus one (1) space per employee who does not reside on the premises.
5. Signs: Home Day Care shall not display any outdoor signage. Day Care Facilities located in the Residential A, Residential B or Rural Districts may have an unlighted sign not to exceed two (2) square feet.
6. Employees: Day Care Facilities located in the Residential A, Residential B or Rural Districts may employ one (1) person who does not reside on the premises. (*Amended: 8-22-94*)
7. Day Care Facility. Notwithstanding the definition of Day Care Facility, when located in a commercial or industrial district this use is not required to be operated within a dwelling or by a person residing on the premises. Notwithstanding the definition of Day Care Facility, when located in a Rural District this use may be operated within a separate building on a lot common to a dwelling in which a person or persons operating the facilities reside.

8. As part of the review process written comment shall be obtained from Hampden Public Safety to identify any child safety issues.

4.19.4. Approvals Required.

1. Home Day Care. Home Day Care shall be subject to Article 5.3.2 Certificate of Compliance regulations.
2. Day Care Facility. Day Care Facility located in the Residential B or Rural Districts shall be subject to Planning Board approval pursuant to Article 4.1.9.1 Site Sketch.
3. Child Care Center. All Child Care Centers operated as Service Businesses shall require Site Plan Approval pursuant to Article 4.1 Site Plan Review. Child Care Center operated as accessory to a church or community building does not require site plan review.

(Please note that day care is regulated by the State of Maine Title 22: HEALTH AND WELFARE Subtitle 6: FACILITIES FOR CHILDREN AND ADULTS Chapter 1673: CHILD CARE FACILITIES HEADING: PL 2001, C. 645, §5 (RPR) §8301-A. Licensure of child care facilities; certification of family child care providers).

Article 7, Definitions is not to be amended but simply a reference page.

ARTICLE 7 DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Accessory use or structure: A use or structure of a nature customarily incidental and subordinate to those of the principal use or structure. For residential uses, accessory structures shall not be used as habitable space. (Amended: 11-18-02)

Business or professional office: An enclosed place of business where the primary activity is the collection, manipulation, evaluation, recording and dissemination of information. Office uses may include service businesses whereby there is no storage, sales, service, or repair of goods and products.

Child Care Center: A building or buildings in which a person or persons maintains or otherwise carries out a program, for any part of the day, providing care and protection for 3 or more children. Child Care Centers, with or without consideration for the services rendered, may be operated as a service business or within a church or community building. (Amended: 8-22-94)

Day Care Facility: A dwelling in which a person or persons residing on the premises provides or maintains a regular program for consideration, for any part of the day, providing care and protection for four to twelve children. (Amended: 8-22-94)

Group development: Two (2) or more primary uses or structures on one (1) lot/parcel.

Home Day Care: A dwelling in which a person or persons residing on the premises provides or maintains a regular program for consideration, for any part of the day, providing care and protection for up to three children. (Amended: 8-22-94)

Preschool: A service business whereby an instructional program is provided for compensation to three (3) or more children between the ages of one (1) and five (5) years.

Principal building: The primary use to which the premises is devoted, and the main purpose for which the premises exists.

C-3-a



Re: Committee Preferences

Wednesday, December 29,

From: "Matthew Arnett" <arnetttowncouncil@gmail.com>

To: "Light Lady" <lightlady_1@yahoo.com>

On Wed, Dec 29, 2010 at 5:27 AM, Light Lady <lightlady_1@yahoo.com> wrote:

Good Morning -

The purpose of this email is to solicit your preferences for Committee assignments for the coming year. Please hit reply to this email and 'fill in the blanks' so that I can develop a chart of who wants what committees prior to our next Council meeting on January 6th.

Please rank the regular committees in order of preference for assignment (1 being most desired and 4 being least desired)

REGULAR COMMITTEES

Finance & Administration 1
Services 4
Infrastructure 3
Planning & Development 2

Please indicate if you wish to serve on any of the ad hoc committees with a checkmark next to the Committee name:

AD HOC

Communications x
Comp Plan Implementation x
Committee on Committees

Thank you, in advance, for your cooperation. I will compile the results and include them with the next packet. Call or email if you have questions.

Happy New Year!
Susan

**Re: Committee Preferences**

Wednesday, December 29, 2010 8:36 PM

From: "Andre Cushing" <andre@andrecushing.com>**To:** "Light Lady" <lightlady_1@yahoo.com>

On Wed, Dec 29, 2010 at 8:27 AM, Light Lady <lightlady_1@yahoo.com> wrote:

Good Morning -

The purpose of this email is to solicit your preferences for Committee assignments for the coming year. Please hit reply to this email and 'fill in the blanks' so that I can develop a chart of who wants what committees prior to our next Council meeting on January 6th.

Please rank the regular committees in order of preference for assignment (1 being most desired and 4 being least desired)

REGULAR COMMITTEESFinance & Administration 1 Services Infrastructure 2 Planning & Development 3

Please indicate if you wish to serve on any of the ad hoc committees with a checkmark next to the Committee name:

AD HOCCommunications 1 Comp Plan Implementation 1 Committee on Committees 1

Thank you, in advance, for your cooperation. I will compile the results and include them with the next packet. Call or email if you have questions.

Happy New Year!

Susan

--

Andre E. Cushing III
State Representative- District 39
(Dixmont, Hampden, Newburgh)



Re: Committee Preferences

Wednesday, December 29, 2010 9:06 AM

From: "Kristen Hornbrook" <hornbrooktowncouncil@gmail.com>

To: "Light Lady" <lightlady_1@yahoo.com>

Hi Sue,
See my picks below in PURPLE.
Thanks,
Kristen

On Wed, Dec 29, 2010 at 8:27 AM, Light Lady <lightlady_1@yahoo.com> wrote:

Good Morning -

The purpose of this email is to solicit your preferences for Committee assignments for the coming year. Please hit reply to this email and 'fill in the blanks' so that I can develop a chart of who wants what committees prior to our next Council meeting on January 6th.

Please rank the regular committees in order of preference for assignment (1 being most desired and 4 being least desired)

REGULAR COMMITTEES

Finance & Administration	THIRD
Services	SECOND
Infrastructure	FOURTH
Planning & Development	FIRST

Please indicate if you wish to serve on any of the ad hoc committees with a checkmark next to the Committee name:

AD HOC

Communications	yes
Comp Plan Implementation	yes
Committee on Committees	no

Thank you, in advance, for your cooperation. I will compile the results and include them with the next packet. Call or email if you have questions.

Happy New Year!
Susan

**Re: Committee Preferences**

Wednesday, December 29, 2010 5:43 PM

From: "Janet Hughes" <hughestowncouncil@gmail.com>

To: "Light Lady" <lightlady_1@yahoo.com>

On Wed, Dec 29, 2010 at 8:27 AM, Light Lady <lightlady_1@yahoo.com> wrote:

Good Morning -

The purpose of this email is to solicit your preferences for Committee assignments for the coming year. Please hit reply to this email and 'fill in the blanks' so that I can develop a chart of who wants what committees prior to our next Council meeting on January 6th.

Please rank the regular committees in order of preference for assignment (1 being most desired and 4 being least desired)

REGULAR COMMITTEES

Finance & Administration	3
Services	4
Infrastructure	2
Planning & Development	1

Please indicate if you wish to serve on any of the ad hoc committees with a checkmark next to the Committee name:

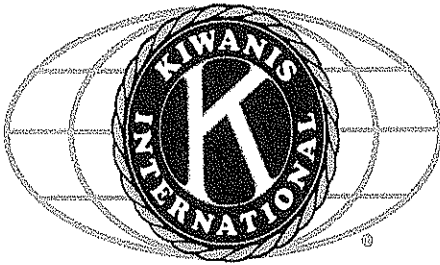
AD HOC

Communications	_____
Comp Plan Implementation	x
Committee on Committees	_____

Thank you, in advance, for your cooperation. I will compile the results and include them with the next packet. Call or email if you have questions.

Happy New Year!
Susan

C-4-a



**KIWANIS CLUB OF
HAMPDEN, MAINE
P. O. BOX 498
HAMPDEN, ME 04444**

Susan Lessard
Hampden Town Council
106 Western Ave.
Hampden, ME 04444

Dear Ms. Lessard:

The Kiwanis Club of Hampden, Maine will be running our Texas Holdum Poker Tournaments on the second Saturday of each month in the year 2011.

We request approval and signatures of the Hampden Town Council in a blanket approval for the entire year 2011 and have attached the form that needs to be signed.

Thank you.

Sincerely,



Keith Ociepka
Committee Chair

Enclosure



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY GAMING & WEAPONS SECTION

164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164
(207) 624-7210

Application for a License to Operate Beano/Bingo or a Game of Chance

1. License you are requesting is for: **BEANO** ☐ **OR** **GAMES OF CHANCE** ☒
(PLEASE CHECK ONE)

2. Organization Name is: Hampden Kiwanis

IF YOU CHECKED GAMES OF CHANCE:

Name of Game: Texas Holdem

Number of Games: _____

Open to Public? Yes ☐ No ☐

Beano/Games Organization Number is: 1594

Business Address: 55 Main Rd. No. Hampden

Mailing Address: PO Box 498 Hampden 04444 Phone: 207.356.9949

3. Date of Founding 9/18/1958 Place of Founding Hampden, Maine

4. Current Officers:

Vivian Gresser, Pres. Same

NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES 9/30/2011

Curt Sluninger V.P.

NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES 9/30/2011

John Torrance, Sec.

NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES 9/30/2011

Al Ritchie, Treas.

NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES 9/30/2011

5. Location of Beano/Bingo or Game of Chance:

Hampden Kiwanis Club 55 Main Rd. No. Hampden
BUILDING ADDRESS CITY

6. Person responsible for operation of Beano/Bingo or Games of Chance:

Name: Keith Ociepka 207.356.9949
DAYTIME PHONE & EVENING PHONE

Name & Address where

Licenses will be sent: Keith Ociepka, 104 Main Trail, Hampden, ME 04444

E-Mail Address: kociepka@roadrunner.com

7. Circle the days of the week you expect to operate: Mon Tue Wed Thu Fri Sat Sun

8. For Beano/Bingo Only: How many times per month do you plan to run Beano/Bingo? _____
What time do doors open for Beano/Bingo? _____

9. Dates to be licensed – Please specify weeks (Monday through Sunday) or full months. You may apply for up to six months of licenses in advance. See back of this form for yearly rates.

1/7/2011 2/12/2011 3/12/2011
4/9/2011 5/14/2011 6/11/2011

Complete this application – both front & back. Sign, date, and return it to the Gaming & Weapons Section at the address shown above.

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY GAMING & WEAPONS SECTION

164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164

(207) 624-7210

Application for a License to Operate Beano/Bingo or a Game of Chance

1. License you are requesting is for: **BEANO** ☐ **OR** **GAMES OF CHANCE** ☒
(PLEASE CHECK ONE)

2. Organization Name is: Hampden Kiwanis

IF YOU CHECKED GAMES OF CHANCE:

Name of Game: Texas Holdem

Number of Games: _____

Open to Public? Yes ☐ No ☐

Beano/Games Organization Number is: 1594

Business Address: 55 Main Rd. No. Hampden

Mailing Address: Po Box 498 Hampden 04444 Phone: 207.356.9949

3. Date of Founding 9/18/1958 Place of Founding Hampden, Maine

4. Current Officers:

Vivian Gresser, Pres. Same

NAME & TITLE	ADDRESS	CITY/ZIP	PHONE	DATE TERM EXPIRES
<u>Curt Stininger V.P.</u>				<u>9/30/2011</u>
<u>John Torrance, Sec.</u>				<u>9/30/2011</u>
<u>Al Ritchie, Treas.</u>				<u>9/30/2011</u>

5. Location of Beano/Bingo or Game of Chance:
Hampden Kiwanis Club 55 Main Rd. No. Hampden
BUILDING ADDRESS CITY

6. Person responsible for operation of Beano/Bingo or Games of Chance:

Name: Keith Ociepka 207.356.9949
DAYTIME PHONE & EVENING PHONE

Name & Address where

Licenses will be sent: Keith Ociepka, 104 Main Trail, Hampden, ME 04444

E-Mail Address: kociepka@roadrunner.com

7. Circle the days of the week you expect to operate: Mon Tue Wed Thu Fri Sat Sun

8. For Beano/Bingo Only: How many times per month do you plan to run Beano/Bingo? _____
What time do doors open for Beano/Bingo? _____

9. Dates to be licensed – Please specify weeks (Monday through Sunday) or full months. You may apply for up to six months of licenses in advance. See back of this form for yearly rates.

7/9/2011
10/8/2011

8/13/2011
11/12/2011

9/10/2011
12/12/2011

Complete this application – both front & back. Sign, date, and return it to the Gaming & Weapons Section at the address shown above.

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



C-4-b

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action:

1/3/2011

Public Hearing:

Yes

No

X

- ☒ Application for Liquor License
☐ Application for Victualer's License
☐ Application for Off-premises Catering
☐ Application for Outdoor Wood-burning Furnace License

NAME:

Wang & Lo, Inc. d/b/a
Fresh Ginger Restaurant

Business Name

Individual

ADDRESS:

64 Main Rd. North

PHONE:

862-6208

MAP/LOT:

36/19

DATE:

12/20/2010

DEPARTMENT REPORT:

No comment

DATE:

12/24/10

BY:

[Signature]
Title: Public Safety Director

BY:

Title:

12/20/10

To: Hampton Town Council

I request waiver of the public hearing for my
liquor license application for Fresh Ginger
Restaurant.

Phm L.
Wang & Lo Inc
Fresh Ginger

**Department of Public Safety
Division**

Liquor Licensing & Inspection



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES 02-28-2011

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Wang & Lo Inc</u> DOB: _____		2. Business Name (D/B/A) <u>Fresh Ginger</u>	
DOB: _____			
DOB: _____		Location (Street Address) <u>64 Main Road North</u>	
Address <u>64 Main Road North</u>		City/Town <u>Hampden</u>	State <u>ME</u> Zip Code <u>04444</u>
<u>Hampden</u> <u>ME</u> <u>04444</u>		Mailing Address <u>same as above</u>	
City/Town	State	City/Town	State
Zip Code		Zip Code	
Telephone Number <u>207-862-6208 (207)</u>		Business Telephone Number	
Fax Number		Fax Number	
Federal I.D. # <u>20-4185150</u>		Seller Certificate # <u>1088507</u>	

3. If premises are a hotel, indicate number of rooms available for transient guests: NO / N/A

4. State amount of gross income from period of last license: ROOMS \$ FOOD \$ 385,000 LIQUOR \$ 4800.00

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: WAN Pong Lo

8. If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: _____ Business hours: 11Am - 9pm M-S

9. Business records are located at: 64 Main Road North Hampden ME 04444

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
WAN Pong LO	05/10/73	China

Residence address on all of the above for previous 5 years (Limit answer to city & state)

12 Wild Rose Drive, Brewer ME
135 Oak Grove Drive, Brewer ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: N/A Location: N/A

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:

Kin & Cholada Wong 100 Ballfield Road Hampden ME 04444

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Dine-in, Take-out
Chinese Restaurant, A free standing Building

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mile Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Hampden, Maine on December 16, 2010
Town/City, State Date

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)

WAN Pong LO

[Signature]
Signature of Applicant or Corporate Officer(s)

WAN Pong LO

STATE OF MAINE

Dated at: Hampden, Maine Penobscot ss
City/Town (County)
 On: January, 2011
Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the
☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Hampden, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS**

1. Exact Corporate Name: Wang & Lo Inc
Business D/B/A Name: Fresh Ginger
2. Date of Incorporation: 02/01/06
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
WAN Pong LO	12 Wild Rose Dr. Brewer ME 135 Oak Grove Dr. Brewer ME	05/10/73	50%	Owner
TAN Xin WANG	20 Wild Rose Dr. Brewer ME 29 Whitney Court, Brewer ME	11/05/73	50%	owner

6. What is the amount of authorized stock? 10,000 Outstanding Stock?
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (X) NO.
9. If yes, please complete the following: Name: N/A

Date of Conviction: Offense:
Location: N/A Disposition:
Dated at: On:
City/Town Date

Signature of Duly Authorized Officer

Date: 12/16/10

WAN Pong LO
Print Name of Duly Authorized Officer

PREMISE DIAGRAM

